

**SUPREME COURT MINUTES  
MONDAY, AUGUST 4, 2003  
SAN FRANCISCO, CALIFORNIA**

**S098660**

A091838 First Appellate District,  
Division Five

LANTZY v. CENTEX HOMES

Opinion filed: Judgment reversed

Opinion by Baxter, J.

--- joined by George, C.J., Chin, Brown,  
Moreno, JJ.

Dissenting Opinion by Werdegarr, J.

--- joined by Kennard, J.

**S099557**

G027568 Fourth Appellate District,  
Division Three

S. (ZETH), IN RE

Opinion filed: Judgment reversed and remanded

Majority Opinion by Baxter, J.

--- joined by George C.J., Kennard,  
Werdegarr, Chin, Brown & Moreno JJ.

**S102671**

D037871 Fourth Appellate District,  
Division One

S. (SHARON) v. S.C. (ANNETTE F.)

Opinion filed: Judgment reversed and remanded

Opinion by Werdegarr, J.

--- joined by George, C.J., Kennard,  
Moreno, JJ.

Concurring And Dissenting Opinion by  
Baxter, J.

--- joined by Chin, J.

Concurring And Dissenting Opinion by  
Brown, J.

**S103487**

C034163 Third Appellate District

DEPARTMENT OF HEALTH SERVICES v. S.C.  
(MCGINNIS)

Supplemental briefing ordered

The court requests that the parties submit  
supplemental briefs in letter form no later than  
August 25, 2003, addressing these questions:

1. Does the doctrine of avoidable  
consequences as recognized by California law  
(see *Alberts v. County of Los Angeles* (1965))

62 Cal.2d 250, 271; *Green v. Smith* (1968) 261 Cal.App.2d 392, 396; 6 Witkin, Summary of Cal. Law (9th ed. 1988) Torts, § 1382, p. 852), and as referenced by the United States Supreme Court in *Burlington Industries, Inc. v. Ellerth* (1998) 524 U.S. 742, 764, and *Faragher v. City of Boca Raton* (1998) 524 U.S. 775, 805, apply in an action seeking damages under the California Fair Employment and Housing Act for hostile environment sexual harassment by a supervisor?  
2. Assuming the avoidable consequences doctrine applies in this context, what is its effect?

**S109306**

A094460 First Appellate District,  
Division Five

DOWHAL v. SMITHKLINE BEECHAM  
Extension of time granted

Appellant may file a single, consolidated reply to any amicus briefs on behalf of respondents on or before October 2, 2003. Respondents may file a single, consolidated reply to any amicus briefs on behalf of appellant on or before October 2, 2003. This order supersedes all previous orders setting the dates when replies to briefs of amici are due.

**S111876**

B142840 Second Appellate District,  
B144243 Division Three

SALAZAR v. DIVERSIFIED PARATRANSIT  
Extension of time granted

On application of appellants and good cause appearing, it is ordered that the time to serve and file the answers or a consolidated answer to amicus curiae briefs filed by League of California Cities; California Manufacturers and Technology Association; and Los Angeles Unified School District is extended to and including August 19, 2003.

SAN FRANCISCO

AUGUST 4, 2003

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**S116223**

E028592 Fourth Appellate District,  
Division Two

EVANS v. SELECT PRODUCTS COMPANY  
(DEPT. OF HEALTH SERVICES)  
Order filed

In order to conform to the format prescribed  
by the California Style Manual (Cal. Style  
Manual (4th ed. 2000) Section 6:6), the above  
entitled matter is retitled as follows:

DAVID JAY FITCH, a Minor, etc., et al.,  
Plaintiffs and Respondents,

v.

SELECT PRODUCTS COMPANY et al.,  
Defendants;

STATE DEPARTMENT OF HEALTH  
SERVICES, Claimant and Appellant